

CATHCART GIVES HIS ANSWER

M'DUFFIE HAD NO BUSINESS TO BUTT IN

"YES" AND "NO" ARE THE CANDIDATES

County authorities of Maui have written Acting-Governor Mott-Smith wanting to know how they are to conduct the voting on July 26, at the plebiscite.

They want to know if the Territorial rules apply and how many of the laws are going to be applied and how many are not going to be applied, just as if perhaps, some laws might be overlooked.

The Acting-Governor will make things clear on this score.

All laws apply which are not interfered with or modified by the joint resolution of Congress which ordained the plebiscite.

There is, to be sure, still some question as to what watchers are to be allowed in the voting booths, for the law calls for two of each party represented by the candidates in the field on any election.

Now the candidates in the field at the coming election are "Yes" and "No."

Electors vote for "Yes" or they vote for "No."

"Yes" and "No" can't choose watchers, and it is up to the "parties" back of them. It is therefore up to the prohibitionists and the anti-prohibitionists to look out for their watchers of election in the booths and the election inspectors are the men to decide whether or not they qualify as watchers.

PROSECUTION TAKES STAND THAT RIGHT METHOD WAS USED IN ASSAULT CASE

City and County Attorney Cathcart in an interview this morning made to a Star reporter the following statement:

My attention has been called to an article in this morning's Advertiser relating to the case against Edward C. Lane, in which he was charged with certain indecent acts with a nine year girl.

Last Sunday evening Lane, according to the story told by the little girl, was guilty of certain lewd conduct towards her. A full investigation of the facts was made both by Deputy City Attorney A. M. Brown and Deputy City Attorney F. W. Milverton, and while the facts were disgusting, yet, in the opinion of the deputies and of myself, they were not sufficient to warrant a charge being placed against Lane of assault with intent to commit the crime of rape.

Section 3195 of the Revised Laws known as the "Vagrancy" law provides that any person who is lewd, wanton or lascivious in speech or behavior shall be punished by imprisonment of not more than one year, and the acts of Lane clearly coming within the definition, he was charged under this section, that being the highest charge that could be placed against him under the facts. Accordingly, yesterday morning Lane was so charged, and entered a plea of guilty, and on the request of Deputy Milverton was given by the court the highest penalty provided, namely, imprisonment for one year.

On Thursday morning the matter came up in the police court, and at that time it was continued for one day. Mr. Milverton then informing Chief of Detectives McDuffie that no conviction was possible under the facts upon a charge of assault with intent to commit the crime of rape. Mr. McDuffie then insisted on a trial upon the higher offence, stating that public sentiment required it, and Mr. Milverton replied that he was not going to prosecute a man for an offence that the facts would not warrant because of public sentiment and requested Mr. McDuffie to prepare a charge against Lane as being a lewd and lascivious person.

After these proceedings on Thursday Mr. McDuffie called the attention of the matter to F. B. McStocker, foreman of the grand jury, and to the Attorney General, placing a construction upon the law contrary to that arrived at both by myself and by Mr. Milverton. As soon as I learned that Mr. McDuffie had gone out of his way in this manner, I requested him to call at my office, and I asked him whether it was the fact that he had taken up the matter with the Attorney General and he said it was. I then said: "That is all, McDuffie; I wash my hands of you."

"Mr. Milverton then said: 'I told you this morning, Mr. McDuffie, that Mr. Cathcart, Mr. Brown and myself had gone into the facts thoroughly, and had come to the conclusion that we could not get a conviction on the higher charge, and you have no business to assume to construe the law contrary to our advice.' Mr. McDuffie then left the office."

"Mr. McDuffie neither at this time nor at any other time told Mr. Milverton to 'shut up,' but left the office without another word. The statement of McDuffie that he so addressed the deputy is as false as the statement that I informed him that there would be no more prosecutions in the police court from my office. Such a statement was never made."

"When the case came up for disposition yesterday morning, Mr. Lorin Andrews approached Mr. Milverton and stated that he had been retained by the father of the girl to prosecute Lane upon a charge of assault with intent to commit the crime of rape. Mr. Milverton informed Mr. Andrews that there had been a full investigation of the facts by the legal department of the City and County and that the facts, taking the story of the little girl to be absolutely true in every particular, would not warrant the placing of that charge against Lane. Mr. Andrews then inquired whether he might be permitted to prosecute upon that charge alone, and Mr. Milverton informed him that he would not. Mr. Andrews then made an attempt to take the matter out of the hands of our department by an application addressed to Judge Andrade, but Judge Andrade took the view that the matter rested entirely with the City and County Attorney, and refused to allow Mr. Andrews to interfere. As to the facts of the matter Mr. Andrews had made no investigation and knew absolutely nothing about them, or he certainly would never have requested a prosecution for the higher offence."

"When the charge of being a lewd and lascivious person was made against Lane he entered a plea of guilty, and Mr. Milverton thereupon made to the court a detailed statement of the facts in the case as they had come to him from the little girl and from the other witnesses for the prosecution. Neither Mr. McDuffie, Mr. Andrews for the father or mother of the little girl, who were in the court room, in any manner challenged the accuracy of these facts and Judge Andrade, at the conclusion of Mr. Milverton's statement, and as I have mentioned above at the request of Mr. Milverton, sentenced Lane to the maximum penalty provided by Section 3195."

"The attitude of our department has been never to prosecute a person out of malice where the facts do not warrant a prosecution, or to prosecute any person for a higher offence under the law than the facts will warrant, and this attitude has been taken by us in all cases and sometimes even against public sentiment."

"The statement that there has been friction between my department and the sheriff's office is absolutely untrue. We have worked harmoniously, and the feeling between myself and the officers of the police department has been very friendly. The sheriff himself, his deputies and his officers will, without exception I believe, say that my support of them has been constant and unqualified. Even McDuffie knows that in a late case in the circuit court I went to every justifiable length in order to protect the integrity of his evidence. My relations with the police department are still of the best; but, as McDuffie went out of his way to injure me, I must consider him as an open enemy instead of the secret enemy I am now informed he has always been."

Fine Job Printing, Star Office.

SENATE ADJOURNS TONIGHT—MANY BILLS PASSED

(Associated Press Cable to The Star.)

WASHINGTON, D. C., June 25.—President Taft today signed the rivers and harbors bill, also the public buildings measure.

The public buildings bill authorizes \$22,000,000, leaving any further appropriation to future legislation.

The bills which have finally passed are: The white slave law, the irrigation provisions, the sundry civil bill; the pensions measure, which carries \$156,000,000 and retains present officers, and the bill requiring publicity of campaign contributions.

Final action on the investigation of friar land deals in the Philippines has not been taken.

The mail subsidy bill has been made unfinished business.

The Senate adjourns at 11 o'clock tonight.

FUNSTON OUT OF DANGER

LEAVENWORTH, June 25.—General Funston, yesterday thought to have been dying because of an attack of heart trouble, is now declared out of danger.

MANCHURIA FROM ORIENT

Bringing an immense cargo for both Honolulu and San Francisco, the Pacific Mail liner Manchuria, Captain Dixon, arrived from the Orient at the Alakea street wharf a little after one o'clock this afternoon. Twenty-four first class, seven second and eighty-one steerage passengers are for Honolulu. The ship will sail for San Francisco at ten o'clock tomorrow. The following passengers arrived for Honolulu: E. C. Bank, Mr. and Mrs. C. R. Buckland, Tom Dan, Captain and Mrs. S. O. Ocelston, Miss A. E. Bailey, Mr. and Mrs. E. Brown, Mrs. S. C. Holliday, E. P. Holliday, Mrs. J. H. Hoyt, Miss E. H. Hoyt, George Hutter, Miss C. Lynes, Mr. and Mrs. W. W. North, Miss Helen North, Lord Poulett and Lady Poulett, Mrs. Hugh Rodman and L. O. Uphan.

NEW CITIZENS

Henry Herman Curt (Carl) Reinecke and William (Scotty) Bell were admitted to United States citizenship this morning. The former renounces the Kaiser's sovereignty and the latter will no longer call George V his king. Reinecke is one of H. Hackfeld's hucksters and Bell was a motor-man.

ROYAL BAKING POWDER
Absolutely Pure
The only baking powder made with Royal Grapo Cream of Tartar
No Alum, No Lime Phosphate

QUEER QUESTION

A Texas man writes Acting-Governor Mott-Smith inquiring about a "ventilated hat" factory in Honolulu. A man in Oklahoma writes him for a thousand postcards which he wants to sell to cripples to peddle. A Mrs. Lehmann of Indiana writes him to know what has become of her son, Claud Hooker who was last heard of aboard the U. S. S. Galveston at this port.

NEW RICE MILL

The K. Yamamoto Rice Mill is the largest as well as the finest in the islands. All machinery is of the very latest pattern. The famous Tengu Rice is cleaned at this mill. With the large cleaning capacity they are able to handle considerable outside particular work which they guarantee.

NO POLICE COURT.

County offices being closed today out of respect to the memory of the late Senator Frank Harvey, there was no session of the Honolulu district court; all cases going over to Monday. Only one arrest has been made—that of a Japanese on a minor charge.

EDUCATOR \$4 Shoe

A home for the feet—not a Prison.
We have them in all leathers both in high and low.
Especially good for office men and clerks.

Manufacturer's Shoe Co., Ltd.,
1051 Fort St., - Honolulu

BIG OPENING NEW ORPHEUM

Besides the original musical numbers in "The Telephone Girl" several new and tuneful items have been added which promise to be popular here. According to the stage director Frank Blair, "The Telephone Girl" airs will be whistled on the streets by everybody who sees the clever and pretty comedy. One of the best numbers is "I'm looking for a Sweetheart" sung by Miss Olga Steck. This song created a furore wherever it has been done.

Miss Maud Rockwell, prima donna of the Casino Musical Comedy Company, is preparing for an invasion of Australia and New Zealand. With several flattering offers from managers in the Colonies made her the leading lady of "The Telephone Girl" will probably sail for the southern hemisphere at the conclusion of her engagement with J. C. Cohen.

Owing to the demand for seats for the opening week of "The Telephone Girl," reservations for the second week, which will inaugurate the opening of the New Orpheum, will be placed on sale next Monday or Tuesday. Every seat for the opening night has either been sold or reserved which will mean that the Casino players will be welcomed by a capacity house.

BIG THINGS DOING AT SACHS.

We are making great preparations for our annual sale. It will be a record breaker. Notice will appear in a few days. Be on the lookout. Sachs Dry Goods Co., corner Fort and Beretania streets.

HEALANIS ARE PREPARING TO WIN

The Healanis boat club boys last evening gave a splendid entertainment which included everything from high-diving by searchlight to real lemonade.

It was called a smoker, and was also a concert and an aquatic exhibition. In the absence of President Heilbron and Captain D. L. Conkling, a speech was made by a senior member, Attorney Lightfoot, who took for his text a famous poem of which the entire words are "Go on!" repeated effectively. He advised the Healanis to "go on;" there had in the past been too much "hot air," but a new spirit had awakened and he was sure the Healanis were now going on to victory, which would be shown the next time the Myrtles came up against them. The speaker congratulated the members on the many improvements they had made in the club building, chiefly by their own hands.

There was a violin solo by Karl, good songs by Gibson and Isbon, a magic musical exhibition by W. Hooper, funny stunts by Mike Paton, a lively four-round go between Dick Sullivan and Cornyn, whistling by Sam Walker of the Park theater and music by the Park band, to say nothing of several other joy doings, sandwiches, good fellowship, smoke, a large but select crowd, and a pose by the congregation for a picture by Perkins.

HARVEY FUNERAL ARRANGEMENTS

Arrangements for the funeral of late Senator Harvey tomorrow afternoon, beginning at Silva's undertaking parlors at 2 p. m., are as follows:

Honorary pallbearers: H. F. Bertelman and W. P. Jarrett of Hawaii Chapter No. 1, Order of Kamehameha; S. C. Dwight and Kahalepuna of the Oiwai society; L. L. McCandless and W. H. McClellan of the Democratic party; E. J. Crawford and W. K. Simeron of the Y. M. I.; and Capt. J. T. Haglund and Frank C. Poor of the Inter-Island Steam Navigation Co.

The order of the procession will be: Band, Oiwai, Oiwai sisters, Kamehamehas, Kaahumanus, Y. M. I., Poolas, clergy, Poolas and Inter-Island Co., hearse, pallbearers, police, family, Senators, Representatives, Territorial officials, City and County officials, citizens and friends.

GET IT TODAY.

Chamberlain's Colic, Cholera and Diarrhoea Remedy is the best known remedy for diarrhoea. It is sure to be needed when least expected. Get it today. For sale by all dealers, Benson, Smith & Co. agents for Hawaii.

INVESTMENTS

Our Stock and Bond Department, through its financial experience and connections, is admirably fitted to handle your financial transactions.

We are members of the Honolulu Stock and Bond Exchange.

Hawaiian Trust Co., Ltd.
923 Fort Street.